

REMARKS

Claims 1, 4 through 5 and 7 through 34 remain pending in the present application. Claims 1, 13, 20 and 27 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Bui for the courtesies extended to him during the interview on August 19, 2003. During the interview, the proposed amendments were discussed. The Examiner indicated that the storage ledge coupled with the cover in Claim 1 would appear to overcome the art of record.

REJECTION UNDER 35 U.S.C. § 102(B)

The Examiner has rejected Claims 1 through 3 and 7 through 9 under 35 U.S.C. §102(e) alleging them to be anticipated by Chen.

Claim 1 has been amended to further define the tool receiving member to define an outline of the tool to be received in the tool receiving member. Also, the opening in the cover has a shape corresponding to and following the outline of the tool for enabling viewing of the tool. Also, a transparent window is positioned in the opening and a mechanism is in the base to enable the base to be mounted on a vertical surface with the cover pivotable with respect to the base.

The Chen reference, relied on by the Examiner, fails to disclose or suggest Applicants' invention. Chen neither discloses nor suggests a tool receiving member having an outline of the tool for receiving the tool. Also, Chen neither discloses nor suggests a transparent window. Further, Chen neither discloses nor suggests a

mechanism enabling the Chen device to be vertically mounted. In fact, if the Chen device was vertically mounted, the bits would most likely fall out of their holders.

Thus, Chen fails to disclose or suggest Applicants' invention. Accordingly, Applicants believe Claims 1, as well as Claims 4, 5 and 7 through 12 which depend from Claim 1 to be patentably distinct over the art cited by the Examiner.

The Examiner rejects Claims 13, 16 and 17 under §102(b) as being anticipated by Kirk. The Examiner alleges that Kirk discloses Applicants' invention. Kirk is drawn to a box for storing a harp. Nowhere does Kirk disclose or suggest the storage of a power tool. Further, the Kirk device neither discloses nor suggests a base which includes a power tool receiving member defining an outline of the power tool to be received in the power tool receiving member. Additionally, Kirk fails to disclose or suggest finger members for retaining the power tool in position. Thus, the Kirk reference relied on by the Examiner fails to disclose or suggest Applicants' invention. Accordingly, Applicants believe Claim 13, as well as Claims 14 through 19 which depend from Claim 13, to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 20, 21 and 25 under 35 U.S.C. §102(b) as being anticipated by Laszlo. Claim 20 defines a tool storage container which includes a tool receiving member defining an outline of the tool to be received in the tool receiving member. The Laszlo reference cited by the Examiner fails to disclose or suggest such features. Laszlo, which teaches a workbench for tying fishing flies for fishermen, neither discloses nor suggests such feature as an outline for receiving a tool and a tool receiving member. Accordingly, Applicants believe Claim 20 to be patentably distinct

over the art cited by the Examiner. Likewise, Claims 21 through 26, which depend from Claim 20, are patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 27 through 29, 31 and 32 under 35 U.S.C. §102(e) as being anticipated by Chen. Claim 27 defines, among other elements, a storage ledge pivotally coupled with the cover. The ledge is in a first position substantially parallel to the cover in a non-tool retaining position. In a second position, the ledge is substantially perpendicular to the cover in a tool retaining position where tools pass through the ledge and are maintained perpendicular to the ledge.

The Chen reference cited by the Examiner fails to disclose or suggest Applicants' invention. The Chen reference allegedly illustrates a ledge 13, which while it is perpendicular with the cover, the tools are parallel to the ledge. Applicants' invention defines the tools passing through the ledge and are maintained perpendicular to the ledge or parallel to the cover. This is unlike the Chen reference where the tools are perpendicular to the cover. Thus, Chen fails to disclose or suggest Applicants' invention. Accordingly, Applicants believe Claims 27 through 34 to be patentably distinct over the art cited by the Examiner.

REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected Claims 4, 5, 12, 13, 16, 17, 30 and 34 under 35 U.S.C. §103 as being unpatentable over Chen in view of Sherman and Kirk. The Sherman/Kirk references fail to overcome the deficiencies of the Chen reference. Accordingly, 4, 5, 12, 13, 16, 17, 30 and 34 are patentably distinct over the art cited by the Examiner.

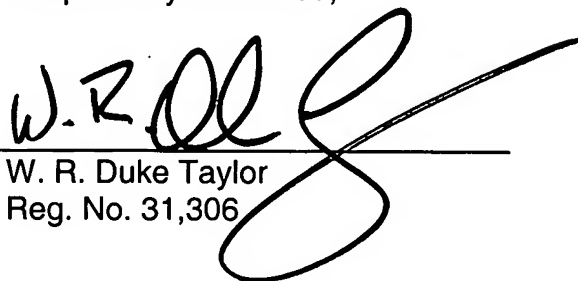
The Examiner has rejected Claims 10, 11, 14, 15, 18, 19 and 33 under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Lee. The Lee reference fails to remedy the deficiencies of Chen. Accordingly, Claims 10, 11, 14, 15, 18, 19 and 33 are believed to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 22 through 24 and 26 under 35 U.S.C. §103(a) as being unpatentable over Laszlo in view of Sherman and Kirk. The combination of Sherman and Kirk with Laszlo fails to remedy the deficiencies of Laszlo. Accordingly, Applicants believe Claims 22 through 24 and 26 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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